

INITIAL STATEMENT OF REASONS

Amend Commission Regulation 1001 – Definitions

Amend Commission Regulation 1052 – Requirements for Course Certification

Amend Commission Regulation 1053 – Self-Paced Training Requirements

The Commission on Peace Officer Standards and Training (POST) proposes to amend Commission Regulation 1001 – Definitions to address the following:

- add new definitions which pertain to distance learning
- modify existing definitions to provide further clarity related to distance learning
- add letters for each definition to make it easier to identify each term when making references in discussion, other regulations besides Commission Regulation 1001, bulletins, and other written communications from POST to the regulated public

POST also proposes to amend Commission Regulation 1052 – Requirements for Course Certification to address the following:

- remove section (e) (Webinars) from Commission Regulation 1052

POST proposes to amend Commission Regulation 1053 – Self-Paced Training Requirements to address the following:

- rename as “Requirements for Distance Learning Course Certification”
- add course certification process for instructor-led online (ILO) courses
- add course certification information for blended learning and hybrid courses
- update course certification process for self-paced courses
- add language advising of Quality Assurance Program (QAP) participation

POST proposes to amend Form 2-124 Self-Paced Training Course Certification Request to address the following:

- revise Form 2-124 to ensure the form is in line with the proposed amendments to Commission Regulation 1053 as they relate to self-paced training courses

Justification for Proposed Revisions

Based on Governor Newsom’s directive in March 2020, issuing a statewide stay-at-home order to slow or stop the spread of COVID-19 in California, law enforcement agencies and presenters had to cease in-person training. To continue providing training, agencies and presenters began to look at enhancing distance learning as a viable training option. Governor Newsom has made distance learning a priority, and funding was allocated for the purpose of promoting distance learning among law enforcement in California in the state budget for the 2020-2021 Fiscal Year.

Based on the Governor’s directive, POST staff have encouraged agencies and presenters to transition existing in-person courses, or develop new courses, to various online formats, when feasible and appropriate. As the COVID-19 pandemic continues to impact law

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enforcement training throughout the state, POST staff and many training presenters see distance learning as a training tool that will have usefulness long after COVID-19 has passed. However, in reviewing existing regulations related to different course types used for distance learning, POST staff found that the language of these regulations are either missing, out-of-date, or do not account for new technology and instructional methods.

The proposed revisions to the identified Commission Regulations were initially approved by the Commission during the February 24, 2021 meeting as two separate agenda items. On July 7, 2021, the Office of Administrative Law (OAL) recommended that revisions to the text of proposed regulatory changes provide additional clarity and eliminate redundancy. OAL also recommended that the proposed revisions to all three of the Commission Regulations be combined into one rulemaking file. This new combined rulemaking package was approved at the September 1, 2021 Commission meeting.

A review of Commission Regulation 1001 found that some terms related to distance learning are outdated and select reference terms, phrases, or practices are no longer considered relevant or current by industry standards. Additionally, many definitions that reflect current distance learning industry standards or best practices in distance education are not currently included in Commission Regulation 1001. As the pandemic continues to impact law enforcement training, POST staff and presenters feel it is important for POST to keep abreast of current industry standards and facilitate the understanding of these standards to law enforcement agencies and training partners.

After conferring with subject matter experts, within and outside of POST, to complete a review of terms and best practices in distance learning that reflect current industry standards, several aspects of Commission Regulation 1001 were identified as needing to be updated. The proposed amendments and additions to terms, phrases, and best practices reflect industry standards in a way that is most applicable in meeting the needs of law enforcement trainers who wish to present courses in the distance learning format that works best for them. These include updates to address ILO courses, blended learning courses, self-paced courses (including the Form 2-124 Self-Paced Training Course Certification Request), and hybrid courses. POST staff also propose the addition of numbering for each term for ease of reference when making reference to specific terms in discussion, other regulations besides Commission Regulation 1001, bulletins, and other written communications from POST to the regulated public.

Other changes include the removal of section (e) (Webinars) from Commission Regulation 1052, the addition of similar content related to course certification requirements to Commission Regulation 1053, and the previously mentioned industry standard updates and guidance for ILO courses, blended learning courses, self-paced courses, hybrid courses, and QAP review. Combining the language of Commission Regulation 1052(e) with Commission Regulation 1053 and renaming the regulation as “Requirements for Distance Learning Course Certification” will allow for all regulatory guidelines related to the course

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certification process for distance learning to be listed under one regulation. Additionally, it will streamline the process for this type of course development and course certification review for law enforcement agencies, training presenters, and POST staff.

Adding a section to Commission Regulation 1053 to address blended and hybrid learning models allows presenters additional flexibility to provide training in formats that incorporate both synchronous and asynchronous learning strategies. Including a section advising of the QAP review process ensures that ILO courses are subject to the same review process as in-person instructor-led courses. Blended and hybrid learning models are also subject to the QAP review process.

Commission Regulation 1001:

- (h) “Asynchronous Learning” is an industry standard term used in Commission Regulation 1053 - Requirements for Distance Learning Course Certification and has been added as a new definition because the public may not be familiar with this term.
- (j) “Blended Learning” is used in Commission Regulation 1053 - Requirements for Distance Learning Course Certification; Commission Regulation 1053(b); Commission Regulation 1053(c) which was updated to reflect current industry standards. Here, the term blended learning refers to an instructional method that combines the use of online media and classroom instruction.
- (q) “Continuing Professional Training (CPT)” was newly added since the term was not previously included as part of Commission Regulation 1001. It is referenced in Commission Regulation 1053(a)(1) - Requirements for Distance Learning Course Certification and Commission Regulation 1053(d)(2)(E).
- (v) “Distance Learning (DL)” is added as an industry standard term used to describe a learning environment in which students are not physically present in the classroom. It has also replaced the term ‘Self-paced’ in pertinent sections used in Commission Regulation 1053 - Requirements for Distance Learning Course Certification. For example, POST staff proposes to rename Commission Regulation 1053 from the current “Self-Paced Training Requirements” to “Requirements for Distance learning Course Certification”
- (w) “Distance Learning Platform (DLP)” is a new industry standard term added for use in Commission Regulation 1053(d)(2)(G) - Requirements for Distance Learning Course Certification.
- (dd) “Hybrid Course” was added as an industry term to describe a learning environment that utilizes different methods of instructional delivery. Here, the term hybrid course refers to a course delivered using any combination of instructional delivery methods. As used by POST, it differs from blended learning because it allows for a combination of delivery methods that includes instructor-led online and instructor-led in-person training.

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- (ee) “Instructor-Led Training” is a term found in Commission Regulation 1053(a) – Requirements for Distance Learning Course Certification and was added for consistency. It is used to distinguish instructor-led from self-paced training in an online environment.
- (jj) “Learning Management System (LMS)” was added to define term used in Commission Regulation 1053(d)(2)(G) – Requirements for Distance Learning Course Certification as an industry standard.
- (pp) “Mockup” industry standard term found in Commission Regulation 1053(d)(2)(J) - Requirements for Distance Learning Course Certification and Commission Regulation 1053(d)(2)(L).
- (ss) “Online course” added as a new industry standard term found in Commission Regulation 1053(a)(1) – Requirements for Distance Learning Course Certification; Commission Regulation 1053(a)(1)(A); and Commission Regulation 1053(a)(1)(A)(1.).
- (ww) “POST Learning Portal” is found in Commission Regulation 1053 (d)(2)(G) - Requirements for Distance Learning Course Certification and was added because the term describes one of POST’s learning platforms but was not previously listed in Commission Regulation 1001.
- (yy) “Perishable Skills Program (PSP)” was added because the term was not previously listed in Commission Regulation 1001.
- (aaa) “Prototype” is an added industry standard term found in Commission Regulation 1053(d)(2)(J) - Requirements for Distance Learning Course Certification and Commission Regulation 1053(d)(2)(L).
- (nnn) “Self-Paced Evaluation Activities” was added as an industry standard term used in Commission Regulation 1053(d)(2)(H) – Requirements for Distance Learning Course Certification; Commission Regulation 1053(d)(2)(I) and Commission Regulation 1053(d)(2)(J).
- (ooo) “Self-Paced Instructional Objectives” was added to define term used in Commission Regulation 1053(d)(2)(H) – Requirements for Distance Learning Course Certification and Commission Regulation 1053(d)(2)(I).
- (ppp) “Self-Paced Student Activities” was added to bring current for the industry standards and term used in Commission Regulation 1053(d)(2)(H) – Requirements for Distance Learning Course Certification; Commission Regulation 1053(d)(2)(H)1 and Commission Regulation 1053(d)(2)(J).
- (qqq) “Self-Paced Training” is an added distance learning term used in Commission Regulation 1053(d) – Requirements for Distance Learning Course Certification; Commission Regulation 1053(d)(1); Commission Regulation 1053(d)(1)(B); Commission Regulation 1053(d)(1)(D); Commission Regulation 1053(d)(2); Commission Regulation 1053(d)(2)(G); Commission Regulation 1053(d)(2)(L); Commission Regulation 1053(d)(3); and Commission Regulation 1053(d)(4).
- (ttt) “Synchronous Learning” is an added industry standard term used in conjunction with (h) “Asynchronous Learning” to describe the different instructional methods. It

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is referenced in Commission Regulation 1053 - Requirements for Distance Learning Course Certification.

- (aaaa) “Variable Format” was updated to bring the term to current industry standards.
- (bbbb) “Webinar” was added to cross-reference ‘online course’ found in Commission Regulation 1053 - Requirements for Distance Learning Course Certification This term was formerly used in Commission Regulation 1052(e) to describe online courses. POST proposed to remove this section and the term will no longer be used. But it is a term that members of the public are familiar with.
- (cccc) “Web-Based Training (WBT)” was updated to cross-reference ‘online course’ in the same manner as “Webinar”.
- (dddd) “Wireframe” is an industry standard term used in Commission Regulation 1053(d)(2)(J) - Requirements for Distance Learning Course Certification and Commission Regulation 1053(d)(2)(L).

Commission Regulation 1052(e):

- Remove section from Commission Regulation 1052 to eliminate the potential of confusion in having to refer to two different regulations for certification of a course to be delivered in an online or distance learning format.

Commission Regulation 1053:

- 1053(a) adds course certification process for distance learning courses to consolidate all regulations related to the certification of courses to be presented in an online or distance learning format.
 - 1053(a)(1) establishes that Basic Courses are not eligible for online course presentation as this is prohibited per Commission Regulation 1059(a)(1).
 - 1053(a)(1)(A) establishes required course certification package requirements related to course administration. These are identified here because they are different from the course certification requirements for an in-person course and are specific to courses presented in a live online format.
 - “Online Course Registration Process” and is spelled out to ensure that students receive appropriate credit for course attendance and participation, recognizing that it is more difficult to verify student participation in an online setting than it is in an in-person setting.
 - “How Student Roster Will be Completed” is included to ensure that students receive appropriate credit for course attendance. During in-person courses, students complete a paper roster. However, in an online format, someone affiliated with the presenter will need to do this on the students’ behalf.
 - “Attendance and Course Completion Verification Process” is necessary to ensure that students receive appropriate credit for course attendance and

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participation, recognizing that it is more difficult to verify student participation in an online setting than it is in an in-person setting.

- “Identification of training platform and how it will be used” is included to ensure the presenter is using an appropriate platform for online course delivery.
- “List of Technology Requirements, if Applicable” is included to make participants aware of the necessary technology for class participation.
- “Instructor to Student Ratio” is included to ensure presenters limit class size to one that is manageable and remains conducive to learning in an online learning environment.
- 1053(a)(1)(B) establishes required course certification package requirements related to course delivery. These are identified here because they are different from the course certification requirements for an in-person course and are specific to courses presented in a live online format. The purpose is to ensure that presenters do not fall into the exclusive use of lecture in an online format and maintain an engaging learning environment even for courses presented online.
- 1053(a)(1)(C) establishes required course certification package requirements related to the learning verification process. These are identified here because they are different from the course certification requirements for an in-person course and are specific to courses presented in a live online format and specifies a minimum number of instructional methods to be used in an online format. This is not required for an in-person course.
- 1053(b)(3) stipulates that recorded courses are not eligible for CPT credit. This is because they do not provide the ability to verify attendance and learning or an opportunity for the student to interact with the material, fellow students, or the instructor(s).
- 1053(c) adds language regarding the requirements for course certification of courses presented in a blended learning format. Currently, there is no guidance regarding certification of this type of course.
- 1053(d) adds an advisement that all new online and blended learning courses shall be subject to a quality assurance review within the first year of certification, or as POST scheduling permits. Currently, there is no advisement regarding quality assurance review for online and blended learning courses.
- 1053(e) was renumbered for sequencing and to update the process for initiating the course certification review and approval for self-paced training.
 - 1053(d)(1) distinguishes the course certification review process from the course certification criteria for self-paced training courses.
 - 1053(d)(1)(A)-(C) was numbered for sequencing and clarity.
 - 1053(d)(1)(D) adds clarifying language for the continuation of the self-paced course certification process once approved by the Learning Technology Resources Bureau.
 - 1053(d)(1)(E) was numbered for sequencing and clarity.

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- 1053(d)(1)(F) was renumbered for sequencing and updated to clarify the process to address technical requirements.
- 1053(d)(1)(G) was numbered for sequencing and clarity.
- 1053(e)(2) was renumbered for sequencing and updates the course certification criteria for self-paced courses to clarify and add further description for the required criteria.
 - 1053(e)(2)(A) was renumbered for sequencing.
 - 1053(e)(2)(B) was renumbered for sequencing and updated to add a description of the required criteria.
 - 1053(e)(2)(C) was renumbered for sequencing and updated to clarify the criteria for “Description of target audience.”
 - 1053(e)(2)(D) was renumbered for sequencing and rephrased to make it a complete sentence.
 - 1053(e)(2)(E) was renumbered for sequencing and updated to add a description of the required criteria.
 - 1053(e)(2)(F) was renumbered for sequencing and updated to add a description of the required criteria.
 - 1053(e)(2)(G) was added to include the criteria for proposed location (platform) of the self-paced training course and a description of the required criteria. This information is requested to ensure the course will be hosted on the appropriate platform and identify whether the presenter will host their own self-paced courses or they anticipate that the course will be hosted on the POST platform.
 - 1053(e)(2)(H) was renumbered for sequencing and updated to add a description of the required criteria. There is also an example of how the expanded course outline should be formatted to include the criteria specified below. These replace the previously listed descriptions.
 - 1053(e)(2)(H)1 was added to provide a description of self-paced student activities.
 - 1053(e)(2)(H)2 was added to provide a description of what must be included as self-paced instructional objectives.
 - 1053(e)(2)(I) replaces the previous version of the Objectives and Activities Matrix with examples that are more readily understood by the user and demonstrates what should be contained in the matrix to reduce or eliminate confusion regarding required content.
 - 1053(e)(2)(J) uses current terminology based on industry standards to replace the previous description of mockups, wireframes, or prototypes with a simpler description.
 - 1053(e)(2)(K) was renumbered for sequencing and revised to reflect the role of the individuals developing the course content more accurately as course contributors or instructors.
 - 1053(e)(2)(L) adds a list of items to be included in the Self-Paced Training Course Certification Package and renumbered each item to be included for sequencing. This list is a summary of the criteria described in the items above.

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- 1053(e)(3)-(4) renumbered for sequencing.

Form 2-124 Self-Paced Training Course Certification Request:

- The revision date was updated to reflect the most current version of the form.
- Instruction 3 was updated to reflect the updated submission process.
- Section 1
 - Line 4 was revised to reflect the removal of b) as it is a redundancy of the current course certification process for all courses.
- Section 2
 - Title was revised to change the word “description” to “information” to reflect the contents of the section more accurately.
 - Line 10 was revised to remove designations for course type and instead reflect the number of continuing professional training (CPT) credit hours the course is eligible for. Per Commission Regulation 1059(a)(1), academy training is not eligible for distance learning, except with temporary exemptions granted by the Executive Director during a period when the Governor declares a state of Emergency that impacts in-person delivery of academy training. “In-Service” and “Advanced” are both terms used to describe the training provided to a full-time peace officer. This qualifies as continuing professional training (CPT). Thus, the use of these terms is redundant.
 - Line 14 was revised to include “or LMS” as a reference to “Learning Management System” as a platform for where the self-paced course may be completed. “If available” is included in the event there is not a specific URL available for the course.
 - Line 16 was revised to replace “Training Tools” with “apps” as wording reflective of current industry standards. List numbers were also renumbered for sequencing to be consistent with numbering elsewhere within the document.
 - Line 17 was added as a space for listing the names of course contributors and their credentials.
 - Required attachments section was revised to replace “Subject Matter Expert Resumes” with “prototypes, wireframes, or mockups” to align with the revisions in Commission Regulation 1053.
- Section 3 was renumbered for sequencing.
- POST USE ONLY section was renumbered for sequencing.
 - Line 22 was revised to replace “Course Control Number” with “Required Attachments” because Line 24 already requests the Course Control Number, making one redundant. Also, “SME Resume” was replaced by “prototypes, wireframes, or mockups” to align with the revisions in Commission Regulation 1053.

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- Line 26 was revised to replace “Content” with “Attachments” to reflect the requirements of the Self-Paced Training Course Certification Request more accurately.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California businesses, including small businesses.

Additionally, the Commission’s main function to select and maintain training standards for law enforcement has no effect financially on either California businesses competing with other businesses in other states and small businesses.

Cost Impacts on Representative Private Persons or Businesses

The Commission on POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

The Commission determined that no reasonable alternative, considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed; would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Benefits Anticipated

The specific benefits anticipated by the proposed amendments to the regulations would

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reduce confusion and streamline regulatory references by eliminating the necessity to view requirements across multiple documents and will allow an ease of transition from in-person courses, or newly developed courses, to an online format. In addition, the revisions/additions of terms, will now reflect current industry standards that pertain to distant learning and all parties will be able to better understand the terminology. Finally, the proposed amendments also update the course certification requirements for all forms of distance learning available for POST-certified courses to reflect current terminology and best practices.

It is important to acknowledge that distance learning is not a temporary place holder for training during the COVID-19 pandemic. Instead, distance learning should be recognized as a learning environment that is just as relevant to the future of law enforcement training as the traditional classroom environment. With the newfound emphasis on distant learning, POST staff and presenters feel it is important that POST continue to keep abreast industry standards. Finally, the proposed changes will aid in the facilitation of the understanding of these standards by all law enforcement partners.

Economic Impact Analysis

Significant Adverse Economic Impact on Business

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets law enforcement selection and training standards for its member law enforcement agencies and training providers. Participation in the POST program is voluntary and limited to governmental law enforcement agencies.

The proposed regulatory amendments will only have a direct effect on those law enforcement agencies who voluntarily participate in the POST program or who are providers of law enforcement training that meet established criteria. The proposed regulatory amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses, ability to expand businesses in the state of California or discourage qualified business from becoming providers of law enforcement training. Therefore, this action does not have any significant adverse economic impact on California businesses, including small businesses.

Impact of Jobs/New Business:

The Commission on POST sets law enforcement selection and training standards for its member law enforcement agencies and training providers. Participation in POST

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programs, and adherence to POST Regulations, is voluntary and limited to law enforcement agencies that are governmental entities. The proposed regulatory revisions will neither create nor eliminate jobs in the state of California nor result in the elimination of existing businesses or create or expand businesses in the state of California or discourage qualified business from becoming providers of law enforcement training.

Assessment:

POST has found that the proposed amendments will have no effect on California businesses, including small businesses, nor will the changes impact the elimination or creation of jobs because the regulatory action addresses requirements that are currently in place, but would streamline regulatory references by eliminating the necessity to view requirements across multiple documents, per legislative mandate.

Benefits of the Regulation:

The benefits of proposed amendments to the regulation will increase the efficiency of the state of California in delivering high quality services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.